

**SCHWEGMAN ■ LUNDBERG ■ WOESSNER ■ KLUTH**

PATENT, TRADEMARK & COPYRIGHT ATTORNEYS

P.O. Box 2938

Minneapolis, MN 55402

Telephone (612) 373-6900

Facsimile (612) 339-3061

October 31, 2002

**FAX RECEIVED**

NOV 01 2002

**GROUP 1600**

TO: Commissioner for Patents  
Attn: Yong Pak  
Patent Examining Corps  
Facsimile Center  
Washington, D.C. 20231

FROM: Ann S. Viksnins

OUR REF: 875.009US1

TELEPHONE: (612) 373-6961

FAX NUMBER (703) 672-9306

**\* Please deliver to Examiner Yong Pak in Art Unit 1652. \***

**FORMAL RESPONSE - PLEASE ENTER**

Document Transmitted: Preliminary Amendment (11 pgs)

Dear Examiner Pak:

Thank you for your courtesy in agreeing to consider this Preliminary Amendment before issuing your action.

In re. Patent Application of: Michael A. Apicella et al.

Examiner: Yong Pak

Serial No.: 09/574,460

Group Art Unit: 1652

Filed: May 18, 2000

Docket No.: 875.009US1

Title: PRODUCTION OF COMPLEX CARBOHYDRATES

Please charge FEE OF \$72.00 FOR ADDITIONAL CLAIMS and any additional fees or credit overpayment to Deposit Account No. 19-0743.

Total pages of this transmission, including cover letter: 12 pgs

If you do NOT receive all of the pages described above, please telephone us at 612-373-6900, or fax us at 612-339-3061.

By: Ann S. Viksnins

Name: Ann S. Viksnins

Reg. No.: Reg. No. 37,748

I hereby certify that this paper is being transmitted by facsimile to the U.S. Patent and Trademark Office on the date shown below

Candis Buending  
Candis Buending

10/31/02  
Date of Transmission

#19/D  
Dmt  
11-1-02

S/N 09/574,460

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Michael A. Apicella et al.	Examiner:	Yong Pak
Serial No.:	09/574,460	Group Art Unit:	1652
Filed:	May 18, 2000	Docket:	875.009US1
Title:	<u>PRODUCTION OF COMPLEX CARBOHYDRATES</u>		

PRELIMINARY AMENDMENT

Commissioner for Patents  
Washington, D.C. 20231

Sir:

In response to the final Office Action mailed March 13, 2002, and the Advisory Action mailed August 20, 2002, please amend the application as follows.

IN THE CLAIMS

Please substitute the claim set in the appendix entitled "Clean Version of the Pending Claims" for the previously pending claim set. The substitute claim set is intended to reflect the addition of new claims 23-29.

The specific amendments to individual claims are detailed in the following marked up set of claims.

Please add the following new claims:

- DI
23. (New) The process of claim 20 or 21, wherein the bacteria are *Escherichia coli*.
24. (New) The process of claim 23, whercin the bacteria are *Escherichia coli* K-12 strain JM 109.
25. (New) The process of claim 21, wherein the acceptor molecule is N-acetylglucosamine.
26. (New) The process of claim 20 or 21, wherein the *rfe* gene is from *Haemophilus influenzae*.
27. (New) The process of claim 20 or 21, wherein the DNA sequence comprising an *rfe* gene